HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32(2)(b)

Description of the case.

W.P. No. 1882 of 2005 (S/S)

Narendra Singh and others
Vs
Union of India and others

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 19.12.2005

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 1882 (SS) OF 2005

1. Narendra Singh Karakoti, S/o late Sri Ram Singh,
   Senior Field Assistant (Veterinary),
   Village- Darbari Nagar, East Aokhar Khali,
   District-Almora, Uttaranchal.
2. Shashi Bhushan Nautiyal, s/o late Sri Medhakar Nautiyal, Senior Field Assistant (Veterinary, Village –Sunali, P.O. Anjni Sain, District – Tehri, Uttaranchal.
3. Hardyal Singh Rawat, S/o Shir Bhagwan Singh Rawat, Senior Field Assistant (Veterinary), Village-Talou, P.O. –Kakoli, District-Tehri, Uttaranchal.
4. Manmohan Singh, S/o Sri A.S. Rawat, Senior Field Assistant (Veterinary), Village-Danda Kyari, P.O.-Gadugad, Tehsil-Purola, Distt.- Uttarkashi, Uttaranchal.
5. Makan Lal, S/o late Sri Kamlesh, Senior Field Assistant (Veterinary), Village-Semli, P.O.- Jhanjhar (Kot) Patti-Sitonsyun, Distt. Pauri, Uttaranchal.
6. Ramesh Chandra S/o late Sri Madan Prasad, Senior Field Assistant (Veterinary), Village- Uttrown, P.O. Sonla, Distt. Chamoli, Uttaranchal.
7. Nathu Ram, S/o Shri Godhan Ram, Senior Field Assistant (Veterinary), Staff House No. 7, Mallital, Nainital, Uttaranchal.
8. Uttam Singh, S/o late Sri Nain Singh, Senior Field Assistant (Veterinary), Village- Chalkana, P.O. Harshila, Distt. Bageshwar Uttaranchal.
9. Soban Singh, S/o late Shri Chota Singh, Senior Field Assistant (Veterinary), Village- Chald Gaon, P.O. Agrakhal, Distt. Tehri Garhwal, Uttaranchal.
10. Kamal Singh Chauhan, S/o Shri Ashad Singh, Senior Field Assistant (Veterinary), Village- Chhaagar, P.O. -Jakhnilani, Tehsil- Chakarat, District-Dehradun, Uttaranchal.

11. Sobhan Lal, s/o Shir Jesa Ram, Senior Field Assistant (Veterinary), Co-Office S.S.B.-Nautanwa, Maharaj Ganj.
12. Suresh Chand Tiwari, S/o late Shri R.P. Tiwari Senior Field Assistant (Veterinary), Badrinath Mat h, Tiwari Mohalla, Srinagar, District-Pauri Garhwal, Uttaranchal.
13. Jagat Prasad, S/o late Shri Tika Ram, Senior Field Assistant (Veterinary), Village- Hano, P.O. – Thadihar, District-Dehradun, Uttaranchal.
14. Ravindra Singh, S/o Shri Dhyan Singh, Senior Field Assistant (Veterinary), Co-Office-S.S.B. Nautanwa, Maharaj Ganj.

……Petitioners.

Versus

1. Union of India, through its Home Secretary, New Delhi.
2. Director General of S.S.B., Force H.Q., Sector-1 (East) R.K. Puram, New Delhi.
3. Inspector General, S.S.B. Frontier, H.Q. Kendriya Bhawan, Aliganj, Lucknow.
4. Dy. Inspector General, S.S.B. Sector H.Q.-Ranikhet, Almora.
5. Dy. Inspector General, S.S. B. F.C.I. Complex, Sector H.Q. Gorakhpur.
6. Sr. Veterinary Officer, Dog Rearing Centre, Gorakhpur

…….Respondents.

19.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri M.S. Chauhan, learned counsel for the petitioner and Smt. Anjali Bhargava, learned counsel for the Union of India. Both the parties have agreed that the writ petition may be disposed of at the admission stage.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondents not to transfer the petitioner for training from the post of Senior Field Assistant (Veterinary), a group C post to the post of Dog

Handles, which is lower in the rank and status and is equal to a Class-IV post.

According to the case of the petitioners, the petitioners were originally appointed in S.S.B. as constable in the year, 1981 to 1985 and thereafter the post of Senior Field Assistant was created by the respondents and applications for the post of Senior Field Assistant (Veterinary) were invited from those candidates who have completed three years of regular service in the cadre and having undergone Veterinary Course organized by the S.S.B.

According to the petitioners, they are duly qualified for the appointment of Senior Field Assistant (Veterinary), therefore, they applied for the aforesaid posts.

The petitioner appeared in the written examination and succeeded, thereafter, the Assistant Director of S.S.B. issued call letters to the petitioners for appearing in the interview. Subsequently, the petitioners succeeded in the interview conducted by the Department through duly constituted selection committee, then the separate appointment letters were issued to the petitioners on the post of Senior Field Assistant (Veterinary) by the respondent no.4 on 10th June 1991. The combined appointment list for the posts of Senior Field Assistant (Veterinary) has been prepared by the respondent no. 4.

The grievance of the petitioners is that on 12th November, 2005, they received the memorandum issued by Senior Veterinary Officer, S.H.Q., DTS S.S.B., Gorakhpur (U.P.) in pursuance of F.H.Q., New Delhi, Fax Memo No. 80/Vet/ SSB/05/VC dated 09.11.2005 and the petitioners have been reverted from the post of Senior Field Assistant (Veterinary) to the post of Dog Handler by the impugned orders dated 12.11.2005 and 14.11.2005 which has been issued under the direction of respondent no. 2 through the respondent no. 6 to the petitioners.

The petitioners have already made a representation on 16.11.2005, but the same has not yet been considered.

Learned counsel for the petitioners has submitted that similar order was passed on 30.07.2001 in respect of one Raj Pal Singh and later on the reversion order has been withdrawn by the department itself.

In view of the above, liberty is given to the petitioner to approach the authority and bring the aforesaid order in the light of the respondent department. The respondents are directed to consider the representation filed by the petitioners on 16th November, 2005 (Annexure 4 to the writ petition).

For a period of three months, the impugned order dated 09.11.2005 shall remain in abeyance.

The writ petition is disposed of accordingly at the admission stage. No order as to costs.

(Rajesh Tandon, J.)

20.12.2005
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